

CAROLINE D. CIRAULO  
Principal Deputy Assistant Attorney General

LYNNE M. MURPHY (LA 20465; DC 485928)  
WILLIAM E. FARRIOR (OK 22137)  
Trial Attorneys

United States Department of Justice, Tax Division  
P.O. Box 14198, Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 514-5881 (LMM)  
(202) 616-1908 (WEF)  
Facsimile: (202) 514-9868  
E-mail: [Lynne.M.Murphy@usdoj.gov](mailto:Lynne.M.Murphy@usdoj.gov)  
[William.E.Farrior@usdoj.gov](mailto:William.E.Farrior@usdoj.gov)

*Of Counsel:*

BRIAN STRETCH  
United States Attorney  
THOMAS MOORE (ALBN4305 O78T)  
Assistant United States Attorney  
Chief, Tax Division  
11<sup>th</sup> Floor Federal Building  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7017  
E-mail: [Tom.Moore@usdoj.gov](mailto:Tom.Moore@usdoj.gov)

*Attorneys for the Plaintiff United States of America*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	
	)	Case No. 5:16-cv-03436-NC
Plaintiff,	)	
	)	<b>EX PARTE UNOPPOSED MOTION</b>
v.	)	<b>TO STAY PROCEEDINGS</b>
	)	
ASHVIN DESAI,	)	
	)	
Defendant.	)	

1 Pursuant to Civil L.R. 7-10 and 7-11, the plaintiff, United States of America, through its  
2 undersigned counsel, respectfully moves this Court to order a stay of these proceedings up to and  
3 including November 15, 2016 so that the parties may have adequate time to effectuate their  
4 settlement of the above-captioned action.

5 *By e-mail dated August 31, 2016, the undersigned counsel provided defendant's counsel,*  
6 *Charles M. Ruchelman, Esq. and Mark E. Matthews, Esq., with a draft copy of this motion. In*  
7 *response, Mr. Ruchelman advised that the defendant does not oppose the granting of this motion.*  
8 *Because the defendant has not entered an appearance in this action, the United States is filing*  
9 *this motion ex parte and without a stipulation under Civil L.R. 7-12.*

10 In support of this motion, the United States states the following. On June 20, 2016, the  
11 United States filed this complaint (*see* Doc. 1) against the defendant, Ashvin Desai ("Desai"), to  
12 recover unpaid civil penalties assessed against him, for his willful failure to report his interest in  
13 certain foreign bank accounts, as required by 31 U.S.C. § 5314 and its implementing regulations,  
14 for the calendar years 2007, 2008 and 2009, plus interest, failure to pay penalties and additional  
15 amounts, such as administrative costs, that have accrued and continue to accrue, as provided by  
16 law, from the date of assessment until paid.<sup>1</sup> By letter dated June 27, 2016, Desai submitted an  
17 offer to settle and compromise this case. By letter dated August 30, 2016, the United States, by  
18 and through Ann Reid, Chief, Office of Review, advised Desai's counsel that his offer in  
19 compromise was accepted on behalf of the Attorney General of the United States.

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21  
22 <sup>1</sup> On August 9, 2016, the United States, through its undersigned counsel, sent Desai and his counsel a Notice of  
23 Lawsuit and Request To Waive Service of a Summons, including enclosures. See Doc. 3. Desai's response to our  
24 request for waiver of service of a summons is not due before September 8, 2016.

1 In accordance with the terms of the parties' settlement, Desai must pay a sum certain in  
2 two installments. Desai must pay the first installment on or before September 9, 2016, and the  
3 second installment by November 1, 2016. Based on the above terms, the parties need additional  
4 time to effectuate their settlement. If the United States receives all payments from Desai by the  
5 dates set forth, above, it will voluntarily dismiss its complaint with prejudice, with the parties to  
6 bear their own costs and expenses, including any attorneys' fees.

7 In view of the above, the United States respectfully requests that the Court order a stay of  
8 these proceedings up to and including November 15, 2016 so that the parties may have adequate  
9 time to determine if they can resolve this matter without the necessity of any further involvement  
10 by this Court. The United States believes that the granting of this motion is in the best interests  
11 of the parties and the Court, as it could potentially conserve judicial resources and allow the  
12 parties to avoid expending significant time and costs to litigate this matter.

13 For the reasons described, above, and in the interests of judicial economy, the United  
14 States respectfully requests that the Court order a stay of these proceedings up to and including  
15 November 15, 2016. A proposed order is attached hereto and will be sent, via e-mail, to the  
16 Magistrate Judge's Chambers and Desai's counsel.

17 Respectfully submitted this 1<sup>st</sup> day of September, 2016.

18 CAROLINE D. CIRAOLLO  
19 Principal Deputy Assistant Attorney General

20 /s/ Lynne M. Murphy

21 LYNNE M. MURPHY (LA 20465; DC 485928)  
22 WILLIAM E. FARRIOR (OK 22137)  
23 Trial Attorneys, Tax Division  
24 United States Department of Justice  
25 P.O. Box 14198  
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5 [William.E.Farrior@usdoj.gov](mailto:William.E.Farrior@usdoj.gov)

6 OF COUNSEL:

7 BRIAN STRETCH  
8 United States Attorney

9 THOMAS MOORE (ALBN4305 O78T)  
10 Assistant United States Attorney  
11 Chief, Tax Division  
12 11<sup>th</sup> Floor Federal Building  
13 450 Golden Gate Avenue, Box 36055  
14 San Francisco, California 94102  
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